

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA :

-v.- :

IBERCA POLANCO, and :
ERIKA NAZARIO, :

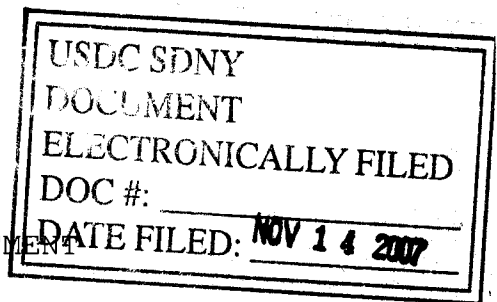
Defendants. :

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INDICTMENT

07 Cr.

07 CRIM 1042



COUNT ONE

The United States Attorney charges:

1. From at least in or about January 2001, up to and including in or about August 2002, in the Southern District of New York and elsewhere, IBERCA POLANCO and ERIKA NAZARIO, the defendants, and others known and unknown, unlawfully, willfully, and knowingly did combine, conspire, confederate, and agree together, and with each other, to commit an offense against the United States, to wit, to violate Title 18, United States Code, Section 1344.

2. It was a part and an object of the conspiracy that IBERCA POLANCO and ERIKA NAZARIO, the defendants, unlawfully, willfully, and knowingly did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, to wit, Citibank, and to obtain moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of such financial institution, by

means of false and fraudulent pretenses, representations and promises, in violation of Title 18, United States Code, Section 1344.

Overt Acts

3. In furtherance of said conspiracy and to effect the illegal object thereof, IBERCA POLANCO and ERIKA NAZARIO, the defendants, committed the following overt acts, among others, in the Southern District of New York and elsewhere:

a. On or about January 29, 2001, NAZARIO, a bank teller at a branch of Citibank in New York, New York, processed a withdrawal of \$10,000 from a customer's account.

b. On or about January 29, 2001, POLANCO, at a branch of Citibank in New York, New York, gave supervisory approval for a withdrawal of \$10,000 from a customer's account.

(Title 18, United States Code, Section 1349.)

COUNT TWO

The United States Attorney further charges:

4. From at least in or about January 2001, up to and including in or about August 2002, in the Southern District of New York and elsewhere, IBERCA POLANCO and ERIKA NAZARIO, the defendants, unlawfully, willfully, and knowingly, did execute and attempt to execute a scheme and artifice to defraud a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, to wit, Citibank, and to obtain

moneys, funds, credits, assets, securities, and other property owned by, and under the custody and control of such financial institution, by means of false and fraudulent pretenses, representations, and promises, to wit, NAZARIO, a bank teller, and POLANCO, a bank supervisor, participated in a scheme in which money was withdrawn from customer accounts without the customers' authorization.

(Title 18, United States Code, Sections 1344 and 2.)

FORFEITURE ALLEGATION

5. As the result of committing the offenses in violation of Title 18, United States Code, Section 1349 and 1344, alleged in Counts One and Two of this Information, IBERCA POLANCO and ERIKA NAZARIO, the defendants, shall forfeit to the United States, pursuant to 18 U.S.C. § 982, all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offense, for which the defendants and their co-conspirators are jointly and severally liable, including but not limited to the following:

a. At least \$99,000 in United States currency, in that such sum in aggregate is property representing the amount of proceeds obtained as a result of the offenses charged in Counts One and Two of this Indictment.

Substitute Asset Provision

6. If any of the above-described forfeitable

property, as a result of any act or omission of the defendant:

(1) cannot be located upon the exercise of due diligence;

(2) has been transferred or sold to, or deposited with, a third person;

(3) has been placed beyond the jurisdiction of the Court;

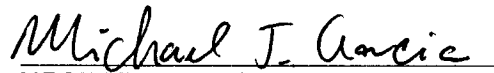
(4) has been substantially diminished in value; or

(5) has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 18 U.S.C. § 982(b), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable property.

(Title 18, United States Code, Section 982.)


FOREPERSON


MICHAEL J. GARCIA
United States Attorney

Form No. USA-33s-274 (Ed. 9-25-58)

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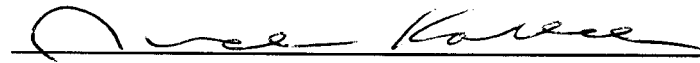
INDICTMENT

07 Cr.

(18 U.S.C. § 1349,
18 U.S.C. §§ 1344 & 2.)

MICHAEL J. GARCIA
United States Attorney.

A TRUE BILL


Foreperson.

Nov. 14, 2007

Indictment Filed
Apr. issued for Dept. Polanco and Dept. Nazario
Case assigned to Judge McMahon.

Keenan, USM J